

**SENTENCING HEARING**Date: 11/08/22Start: 9:30amEnd: 10:03am

Judge Leonie M. Brinkema

Reporter: R. Montgomery**UNITED STATES of AMERICA**CASE NUMBER: 1:22cr86

Vs.

KEVIN MCAVENIACounsel/Govt.: Rachel Rothberg Counsel/Deft.: Gawin Flynn, Jr.

Court adopts PSI [ ] without exceptions [ ] with the following exceptions:

**SENTENCING GUIDELINES:**

Upon Motion of [ ] Deft [ ] Govt

Offense Level: 32

Court depart from G/L pursuant to:

Criminal History: I

[ ] USSG 5K1.1

Imprisonment Range: 121 to 151 months

[ ] USSG 5C1.2

Supervised Release Range: 5 years to Life

[ ] USSG 5K2.12

Restitution: \$ \_\_\_\_\_

[ ] USSG 5H1.4

Fine Range: \$ 35,000.00 to \$ 250,000.00

[ ] \_\_\_\_\_

Special Assessment: \$ 100.00 per Count**JUDGMENT of the COURT:**BOP for 84 months, each count, concurrent; with credit for time servedSupervised Release for 15 Years, each count; concurrent

Supervised Probation for \_\_\_\_\_ Years

Restitution: \$ To be determined payable to \_\_\_\_\_

Fine: \$ \_\_\_\_\_ [ ] Due Immediately [ ] Monthly payments of \$ \_\_\_\_\_

to begin \_\_\_\_\_ days from imposition of sentence/release

Special Assessment: \$ 200.00 [ ] Satisfied [x] Due immediately

Fine/Costs Waived [ ] Interest Waived [ ]

**SPECIAL CONDITIONS:**       Deft. to remain drug free, In/Out patient treatment as directed.       Deft to pay costs as able        Deft to waive privacyx Deft. to participate in mental health evaluation, treatment, medication, counseling as directed.       Deft to pay costs as able        Deft to waive privacy       Pay Restitution of \$ \_\_\_\_\_, [ ] Due Immediately [ ] Monthly payments of \$ \_\_\_\_\_ to begin \_\_\_\_\_ days from release from custody.       Access to all financial information/records       No New Credit/No Purchases over \$ \_\_\_\_\_ without prior approval.       Seek and maintain full time employment        Full-time education program       Drug Testing Waived       Other: \_\_\_\_\_**RECOMMENDATION TO BOP:**x Deft. to be designated to a Facility as close to New Jersey as possible.       Residential Drug Abuse Treatment Program (RDAP)

Defendant: [x] Remanded [ ] Self Surrender/Bond cont.

       Deft has reviewed pgs 22-24 of psr with counsel       Court finds deft has violated conditions of pretrial release.       Deft advised of appeal rights       Restitution hearing set for 12/06/22 at 9:00am